Johnson, E. B. Miller (MI) Scott (GA) Miller, Garv Scott (VA) Jones (NC) Jordan Miller, George Sensenbrenner Mitchell Kagen Serrano Kanjorski Mollohan Sessions Kaptur Moore (KS) Sestak Moore (WI) Keller Shadegg Kennedy Moran (KS) Shays Shea-Porter Kildee Murphy (CT) Kilpatrick Murphy, Patrick Sherman Kind Murphy, Tim Shuler King (NY) Murtha Shuster Kingston Musgrave Sires Slaughter Kirk Myrick Kline (MN) Nadler Smith (NE) Kucinich Napolitano Smith (NJ) Kuhl (NY) Neal (MA) Smith (TX) LaHood Neugebauer Smith (WA) Lamborn Nunes Snyder Oberstar Solis Lampson Langevin Pallone Space Larsen (WA) Pascrell Spratt Larson (CT) Pastor Stark Latham Paul Stearns LaTourette Payne Stupak Latta Pearce Sullivan Lee Pence Sutton Levin Perlmutter Tancredo Lewis (CA) Peterson (MN) Tanner Lewis (GA) Peterson (PA) Tauscher Linder Petri Terry Lipinski Thompson (CA) Pitts LoBiondo Platts Thompson (MS) Loebsack Poe Thornberry Lofgren, Zoe Pomerov Tiberi Porter Lucas Tsongas Price (GA) Lungren, Daniel Turner Price (NC) Udall (CO) Lynch Putnam Udall (NM) Mack Rahall Upton Mahoney (FL) Ramstad Van Hollen Maloney (NY) Regula Velázquez Manzullo Rehberg Visclosky Markey Reichert Walberg Marshall Reynolds Walden (OR) Matheson Richardson Walz (MN) Matsui Rodriguez Wamp McCarthy (CA) Rogers (KY) Wasserman McCarthy (NY) Rogers (MI) Schultz McCaul (TX) Rohrabacher Waters McCollum (MN) Ros-Lehtinen Watson McCotter Roskam Watt McDermott Ross Welch (VT) McGovern Rothman Weller McHenry Roybal-Allard Westmoreland McHugh Rovce Wexler McIntvre Rush Whitfield (KY) McKeon Ryan (WI) Wilson (NM) McMorris Salazar Wilson (OH) Sánchez, Linda Rodgers Wilson (SC) McNerney T. Wittman (VA) Sanchez, Loretta McNultv Wolf Meek (FL) Sarbanes Woolsey Meeks (NY) Saxton Wu Schakowsky Melancon Yarmuth Mica Schiff Young (FL) Michaud Schmidt

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Schwartz

Miller (FL)

Andrews Hastings (FL) Rangel Hinoiosa Renzi Berman Honda Reyes Brown, Corrine Johnson, Sam Rogers (AL) Jones (OH) Cannon Ruppersberger Carnahan Klein (FL) Ryan (OH) Knollenberg Costa Sali Cubin Lewis (KY) Simpson Davis (IL) Lowey Skelton Marchant Davis, Tom Souder McCrery Miller (NC) Delahunt Taylor DeLauro Tiernev Doyle Moran (VA) Towns Walsh (NY) Edwards Obey Engel Olver Waxman Ortiz Weiner Farr Frank (MA) Pickering Weldon (FL) Gilchrest Prvce (OH) Wvnn Gohmert Radanovich Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote. □ 1123

Mrs. BIGGERT and Messrs. RUSH and VAN HOLLEN changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 5349, PROTECT AMERICA ACT OF 2007 EXTENSION

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentleman from New York (Mr. ARCURI) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, the intent of the original 1978 FISA law was to enhance Americans' security while at the same time protecting Americans' privacy. Recognizing that no responsibility of the Federal Government is more important than providing for the defense and security of the American people, Congress should be doing all it can to ensure that FISA continues to reflect the intent of the original law.

In the nearly 30 years since FISA became law, we have seen tremendous advances in communications technology, such as the Internet, cell phones, and e-mail. However, under the original FISA law, our intelligence officials are not free to monitor foreign terrorists, Mr. Speaker, in foreign countries, without a court order, because of advances, as I mentioned, in communications technology.

Mr. Speaker, let me repeat again: Because of advances in technology, our intelligence officials are not free to monitor foreign terrorists in foreign countries. It is clear that the law is outdated and must be modernized to reflect changes in communications technology over the past three decades.

In August, Congress, in a bipartisan manner, took an important step to close our Nation's intelligence gap. The Protect America Act passed only after repeated attempts by Republicans to give our Nation's intelligence professionals the tools and authority they need to protect our homeland. This action was long overdue, and this law marked a significant step forward in improving our national security. But, unfortunately, Democrats forced these needed technology tools to expire in 6 months.

In November, the House Democrat leaders brought legislation to the floor that does not go far enough to reform outdated FISA laws. It weakens Americans' privacy protection and fails to permanently close our Nation's intelligence gap. A bipartisan, permanent solution is needed that shows all Amer-

icans and our enemies that the United States is truly committed to closing our Nation's intelligence gap.

Yesterday, the Senate acted in a bipartisan manner by a vote of 68–29 to permanently close the terrorist loophole and ensure that intelligence officials are able to monitor communications of suspected terrorists overseas such as Osama bin Laden and other al Qaeda leaders. This commonsense solution would help keep our country safe from attack and should be acted on immediately and sent to the President to be signed into law.

Mr. Speaker, House Democrat leaders need to stop dragging their feet. They need to end their delaying tactics, indeed, to let the House vote on the Senate-approved measure. Today, I am going to give Members of the House an opportunity to support the bipartisan measure that the Senate passed just yesterday. If the previous question is defeated, I will amend the rule to allow the House an opportunity to concur with the Senate amendments. By approving the Senate amendments, the bill can become law before the current extension expires in just a few days.

We don't need to close the terrorist loophole just temporarily, Mr. Speaker. We need to close it permanently and update our Nation's surveillance laws in order to protect our Nation from another terrorist attack.

Mr. Speaker, I urge my colleagues to vote against the previous question so that we can permanently close the loophole.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague from Washington for his insightful history on the FISA bill. I would submit that I agree with him that the FISA bill is necessary for the security of America. No one questions that. No one on our side of the aisle questions that. The question that we do have is does the Senate bill actually take away some of the liberty that is so necessary to the American people.

All we are asking for is an extension of 21 days. When you think about it in the grand scheme of things, 21 days to make a determination whether or not this bill continues to give the American people the liberty that they have had for over 200 years, that is not a lot to ask for. I would much rather have 21 days, keep the bill in effect but extend it for 21 days, knowing full well that the end product is something that not only ensures our security but guarantees our liberty.

Mr. Speaker, I reserve the balance of my time.

□ 1130

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Michigan (Mr. HOEKSTRA), ranking member of the House Intelligence Committee.

Mr. HOEKSTRA. I thank my colleague for yielding.

I think they are absolutely right, we need to take a look at this in the bigger context. We have to set the stage for how we got to this point.

It's September 12, 2001. The President is meeting with his advisers. They're trying to identify exactly what this threat is from al Qaeda, how serious is this threat, what other activities or attacks might they be planning against the United States. And the President says: I need my intelligence and military folks to get the answers to these kinds of questions. Tell me what the threat is and tell me what the tools are that I need to implement to keep America safe.

They come back with a series of recommendations, saying here's what we know, here's what we don't know about the threat. They come back and say, here are the different options that are available to us to get the information that might be able to answer some of these questions.

The President and his leadership team consider the various options. They say, you know, we need to bring Congress into this to take a look at exactly what tools we're going to implement and make sure that we do this in a bipartisan basis and we do it in a basis that is consistent with American values and American law

On October 25, the President and Vice President convene a meeting. The President's national security team comes up and they say, here's the tool that perhaps can be used. The chairman of the House Intelligence Committee is there. The Chair of the Senate Intelligence Committee is there. The ranking minority member of HPSCI is at the meeting. She's accompanied by the vice chairman of the Senate Intelligence Committee. That's right. Back in October of 2001, the Speaker of the House was briefed on the various tools that could be used to keep America safe.

November 14, 2½ weeks later, the chairman of HPSCI, the ranking member, yeah, that's right, the current Speaker of the House, was briefed on the tools that were available and could be used, the chairman of the Senate Intelligence Committee, the vice chairman

March of 2002, the chairman of HPSCI, the ranking minority member of HPSCI, that's right, the current Speaker of the House, was in the meeting.

June of 2002, the chairman of HPSCI, the ranking minority member of HPSCI, that's right, again, the current Speaker of the House is brought in, is briefed on this program, and said this is the tool that we want to use, this is the tool that we need to use to keep America safe.

Four times in about 9 months, the current Speaker of the House was briefed on this program, about what the tool was, the kind of information that we were expecting to get and, after a period of time, the information that we were collecting that would keep America safe.

I was not in those meetings. I was not one of the select group of people that was informed. You would think that they would say, what are the civil liberty implications of this? You know, how are we using these tools? Where does it fit within the legal framework of America to keep us safe? And who's going to be working on this program? Who do we need to partner with? And there might have been certain companies or individuals that were identified as saying, these folks are going to partner with us and have partnered with us because they can help provide us with the information that will keep us safe and do it in a legal way.

Since that time, and since this program became public, there has been all kinds of accusations out there. But the bottom line is, there may have been people, there may have been companies and corporations that, when the President and Congress went to them and said, we need your help to keep America safe, they may have stepped up to the plate and provided us with the assistance that we knew that on a bipartisan basis the executive branch and Congress said, we need to do this, and we need to do it in a way that protects civil liberties, and we need to do it in a way that is legal and consistent within the law.

And the bottom line is, this is dealt with in the Senate bill. They recognized the help. They don't throw these people under the bus after we asked them to help.

Mr. ARCURI. Mr. Speaker, I appreciate my colleague's passion on this issue. Certainly it is the type of issue that elicits real passion from people. But I think we as a body need to be sure that the steps that we take are deliberative and thoughtful. Certainly reacting to an issue such as this in a passionate way may deprive us of taking the necessary steps that we need to ensure that the liberty of our citizens is kept intact.

Again, I would just point out that this bill is asking for an additional 21 days within which Congress can continue to review the documents that we have asked for that we have only recently received to make a determination, again, a deliberative determination based upon facts and reasons and not on passion.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from New Mexico (Mrs. WILSON), also a member of the Intelligence Committee.

Mrs. WILSON of New Mexico. Mr. Speaker, one of the most important laws that is preventing another terrorist attack in this country will expire on Friday. It expires on Friday.

My colleague from New York says, well, we just need to take enough time and be deliberative and so on. My colleague from New York didn't vote for the temporary fix that we passed in August. In fact, in an exchange with him that I remember so well, he ques-

tioned whether we should extend the constitutional protections of the fourth amendment to people who are foreigners in a foreign country talking to each other.

The temporary fix that we made in August needs to be made permanent, and we need to move forward with a permanent law that allows our intelligence agencies to listen to foreigners in foreign countries without a warrant while protecting the civil liberties of Americans. That's what we passed in August. That's what the Rockefeller-Bond bill does from the Senate, and they passed it last night. We passed a 6-month bill in August. We had 6 months to review this. And then when that deadline passed on the 1st of February, they said, well, just give us another 15 days. We gave them another 15 days and they said, well, we really haven't had the time to look at this paper.

You've had almost 7 months. The time is now to get serious about our national security and giving our intelligence agencies the tools they need to prevent the next terrorist attack.

The Senate passed the Rockefeller-Bond bill last night by a vote of 68–29. It makes permanent the authorities that we passed in August of last year to listen to foreigners in foreign countries without a warrant. We spy on our enemies. We try to find out what their plans are so that we can stop them from killing Americans.

That Rockefeller-Bond bill also provides protection from lawsuits for the American companies that stepped up to the plate when this country was in crisis. In good faith, those American companies partnered with the U.S. Government, under instructions from that government, from our own government, to move forward and to help us to prevent another terrorist attack. And, ironically, they cannot defend themselves against lawsuits because the government says to do so would violate state secrets. It would give away secrets to our enemies. So they're stuck in court not even being able to defend themselves.

The cooperation that is being protected here in the Rockefeller-Bond bill is long established in criminal law and should certainly extend to the national security realm.

Today, I circulated a letter from 21 bipartisan attorneys general supporting these lawsuit protection provisions. Our intelligence agencies and their partners in private industry need certainty, the telecommunications companies whom we depend upon to cooperate need certainty, and our intelligence agents need certainty that we're not going to keep operating our intelligence community on a month-to-month basis.

In August we closed an intelligence gap, a vital gap that has been now closed, and the changes that we made have already provided intelligence that the Director of National Intelligence, Admiral Mike McConnell, has said

have helped us to disrupt terrorist attacks.

Intelligence is the first line of defense in protecting this country against terrorism. I would urge my colleagues to allow a vote today on the Rockefeller-Bond legislation, do not allow this bill to expire, and stand up and protect this country.

Mr. ARCURI. Mr. Speaker, my colleague seems to be asking us to rely upon assurances given to us by this administration, this same administration that has told us about weapons of mass destruction, the same administration that told us that Iran was building a nuclear bomb. And then she asks why we are skeptical about taking the word of the administration.

As my colleague knows, the House passed the RESTORE Act last November. It was not until last night that the Senate passed a bill reauthorizing and reforming the Foreign Intelligence Surveillance Act. The bill is significantly different than the one we passed in November.

As is the case when the House and the Senate have differing bills, it is appropriate for the two to meet and reconcile their differences. That is exactly what we intend to do in a bipartisan and bicameral way.

However, as my colleagues also know, the President's preferred surveillance law is set to expire on Saturday. The underlying bill will extend that law for 3 weeks and give the House and Senate Judiciary and Intelligence Committees time to work toward a conference agreement. Additionally, it will also give our Members, Republican and Democrat, time to review reams of highly classified materials which were only provided to us by the White House in recent days, despite requests dating back all the way to May, 8 months ago. These materials are absolutely critical as the House considers the request which has been made by the White House to grant what amounts to a blanket transactional immunity to telecommunications companies who participated in the Bush administration's warrantless surveillance plan without any explanation of what that immunity is for. While the President has been quick to call on Congress to act, it is he who has continued to ignore countless congressional requests for information about the actions of his administration.

As a former State attorney, I know firsthand that not even a first-year prosecutor would even entertain the idea of granting immunity without knowing what that immunity is for and who that immunity is being granted to.

From his seat, the chairman of the Judiciary Committee noted last night in Rules that he cannot recall a time in his 45 years in the House when an administration has asked Congress to provide immunity to anyone or anything without telling us why. The House is not opposed to granting such immunity, but if we are going to act, then we need to know why.

Mr. Speaker, we are on the verge of passing long-term FISA reform, but it will take time because there are very real differences between the positions of the majority Members of this body and the Senate and the White House. Those who come to the floor today to delay this extension and engage in a manufactured obstructionism, which has become so symbolic of the congressional Republicans, are doing a great disservice to this Nation.

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We will overcome this obstructionism, and we will use the next 3 weeks to reconcile our differences and come to the American people with a bill that protects our homeland without sacrificing our civil liberties.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the former attorney general of the State of California, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise to oppose this rule. Let's think about what we are talking about. The majority is asking us to extend for 21 days a bill that they don't support, a bill that they overwhelmingly voted against, a bill that they said harmed the American people, a bill that they said somehow doesn't protect civil liberties. Now, why do they want to extend it for 21 days if it is terrible? Perhaps there is some mischief in the air. Perhaps what they really want to do is to continue to kick this can down the road so that finally in the war of attrition we will give up and say, you know, those people who helped us, those companies referred to by Mr. HOEKSTRA that responded to a request by the United States Government to help us in our time of need, that is immediately after 9/11, we are not going to help them.

Remember what the greatest criticism of the 9/11 Commission was of government in all of its aspects, it was that we fail to connect the dots. What does that mean? We failed to put together intelligence information or to gather that intelligence information and put it together in a way that made sense that would give us a forewarning of what was about to take place. And they said it is not good enough to rely on the criminal justice system to gather evidence after the fact to prosecute somebody. No, in a war on terror what you want to do is to prevent the terrorist act in the first place.

So what we have here is a difference on that side of the aisle and this side of the aisle in which we believe a Good Samaritan law makes sense, a Good Samaritan law much like what we do to allow people to respond to an accident without having to fear that they will be sued for medical malpractice. And in some circumstances, does that mean that maybe one out of 1,000 times there might be medical malpractice for which you can't be sued? Yes. But we do it because the overall good of the

country is enhanced by giving incentives to people to help their neighbor.

That is what happened here. We have either an incentive or a disincentive for companies and individuals to respond to their country and act in good faith. That is what is at stake here, whether or not we are going to be safer or whether or not we are going to play these political games to support a bill that you all voted against.

Mr. HASTINGS of Washington. I am pleased to yield 2 minutes to the gentleman from Texas (Mr. McCaul).

Mr. McCAUL of Texas. Mr. Speaker, today Congress is engaged in an important debate, perhaps the most important debate certainly in recent years. Our most solemn obligation to this country is to protect the American citizenry.

In my view our colleagues on the other side of the aisle are playing a dangerous political game, and the American people are the pawns in this game. I bring to the Congress a unique experience. I worked in the Justice Department under the FISA statute. I have worked on national security wiretaps, and I can tell you that the statute was never intended to cover foreign targets in a foreign country. And if Osama bin Laden is on the phone calling into the United States, I think the American people want us to pay attention to that and to listen to that conversation.

Intelligence, good intelligence has stopped every threat to this country since 9/11. Intelligence is the first line of defense in the war on terror. Without that, we cannot prevail in this war on terror, and we need to protect the American companies who we ask to protect the United States and the American people.

They stood up to the plate, and it is our time to stand up to the plate and now protect them. They were doing their patriotic duty in a time of war when America asked them.

If we do not protect them, then what company, American or otherwise, will dare help the United States of America in its greatest time of need, in a time of peril, in a time of war.

Yesterday, the Senate passed the FISA bill, which included this immunity and also protects Americans. I say we put that bill on the floor, let's pass that bill and let's make the Protect America Act permanent. Now is the time, not 21 days from now, not several months from now. For the American people, let's pass and protect the American people now.

Mr. ARCURI. Mr. Speaker, I would submit to my colleague that the only dangerous political game that is being played here is the attempt to cast this as a political game. There is no such attempt being made by anyone in the Democratic Party. The only attempt we are making is to give us time to go through the material that has only recently been given to us with the simple objective of ensuring that we get a bill which keeps our country safe and guarantees the liberty of our people.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to a Member who for 6 years was the chairman of the Subcommittee on Constitutions of the Judiciary Committee, the gentleman from Ohio (Mr. Chabot).

Mr. CHABOT. Mr. Speaker, I rise in strong opposition to this rule and to the underlying bill before us. Last August, Congress passed and the President signed into law a bill that provides our law enforcement and intelligence community with the tools needed to protect this country, to protect the United States.

The events of September 11, 2001, exposed gaps in our intelligence-gathering activities, particularly those occurring outside the United States. Since that tragic day, the administration has worked with Congress to ensure that every tool in our arsenal is available to those who are charged with keeping our country safe, including working with telecommunications companies and allowing officials to gather intelligence from potential foreign terrorists outside this country.

These two aspects of the PAA have been critical in protecting the United States from actual or potential terrorist attacks or sabotage. Oversight by the FISA Court and minimization procedures approved by the courts ensure that such activities do not go beyond their scope.

Last night, the Senate passed bipartisan legislation that would maintain these critical features enabling the intelligence and law enforcement communities to continue with its critical work.

I urge my colleagues to defeat this rule and immediately take up and pass the Senate bill so that law enforcement and the intelligence communities continue to have the necessary tools to keep the American people safe.

Mr. ARCURI. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. ROGERS), a member of the Intelligence Committee.

Mr. ROGERS of Michigan. Mr. Speaker, this is really almost going beyond the pale of irresponsible and getting into dangerous.

I used to be an FBI agent, and every day in this country there is an FBI agent who goes up to somebody, an average citizen, it may be a coworker, it may be a neighbor, it may be somebody who owns a small business, it might be somebody who owns a big business, and says, We need your cooperation to catch child pornographers, and here is the evidence. Will you cooperate with your Nation? And we do it every single day, and great Americans stand up every single day and say, Yes, I will. I will go after child pornographers with you. I will go after crack dealers selling the drugs to our kids with you. I will go after murderers who murder our children in the streets of America, and I will stand with you and cooperate so we can eliminate the dangers from our communities.

And you know what the government did? It went and said, Hey, to whatever business it was, small, big, large, we had people kill 3,000 people, murdered, on one day. And you know what, they are coming back. Will you cooperate with your government to stop the next round of murders?

But we play a very dangerous game. It is about civil liberties. Then why did we pass the bill before, and before that? Because there is civil liberty protection in this bill. It is a farce.

What is at risk here is the future certainty by our intelligence agencies and every single American who wonders: If I cooperate against a criminal of any sort, a terrorist, are they coming to get me next?

We need to refocus on who the bad guys are. It is not the companies who cooperated with their government. If you are a small business selling insurance or you are washing windows, it is the terrorists who threaten the lives of Americans.

We ought to be proud of every American who has the courage in a dangerous world to stand up and say: I will stand with you, United States of America, to get the true enemy, the bad guys, al Qaeda, terrorists, crack dealers, child pornographers, and everybody in between.

I urge the strong rejection of this rule, and let's get back to business and give them the tools to keep us safe.

Mr. ARCURI. Mr. Speaker, I think my colleague, you know, obviously raises a good point. As a former FBI agent, he was very concerned, he is very concerned, and he continues to be very concerned with doing the right thing, getting the people who are breaking the laws, hurting our children and who are putting our citizens in jeopardy. But no one in this Chamber has the market cornered on that. That is something that I think universally throughout this Chamber there is a strong desire to fulfill. That is why we are here. We are here to protect and defend our citizens and to protect and defend our Constitution, and that is all we are asking for today: 21 days to ensure that we are able to look over the recommendations, to look over the material that has recently been forwarded to us by this administration to ensure that we are not only protecting and securing this country, but rather that we are also doing it in a way that protects our liberty.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), a member of the Intelligence Committee.

Mr. HOLT. Mr. Speaker, I thank the gentleman.

Mr. LUNGREN and others who have spoken are right in one respect, yes, most of the House of Representatives voted not for the Protect America Act but rather for a substitute that we passed, a very good piece of legislation, that would indeed protect Americans, known as the RESTORE Act. That passed the House. It should be the law.

We do not need the Protect America Act to protect Americans, the so-called Protect America Act. We do not need it to keep from going dark. But what we do need is the time and the attention to get this right. This is a serious, serious matter about protecting the safety of Americans but also about the definition, the relationship between the people of this country and their government.

There has been a fundamental shift under the Protect America Act in the relationship between the people of this country and their government. It is whether or not the government regards the ordinary American with suspicion first. Think about it.

The reason this country and our liberty has survived so well is because the government understands they are subservient to the people. The government has understood that they treat the people with respect, their bosses, and do not regard them with suspicion first.

To be able to seize, search, intercept without having to demonstrate to an independent judge that you know what you are doing is a sign of disrespect. It is a sign of suspicion. It is, in fact, a redefinition of the makeup of this country.

So if we need time to get this right, let's take the time. We don't need the Protect America Act to keep us from going dark, and I would argue we certainly don't need it, as they argue, to protect Americans from those who would do us harm. We have offered that protection in the RESTORE Act. Let's get this right.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to another member of the Intelligence Committee, the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Speaker, I thank the gentleman for yielding.

I think the comments from the last speaker are very enlightening on this debate because we have heard for month after month the same arguments made time and time again, and the bottom line is there are a number of Members who are not for these authorities that allow our national security professionals to listen to terrorist communications. And there are a number of people who would just as soon let the Protect America Act expire and let it go out of effect. As the gentleman who just spoke said, we don't need it to protect the country.

□ 1200

But there are others of us who believe that we do need such authorities to protect the country, and a very large number of Members of the other body have just voted on a proposal that would do that.

And so my position, Mr. Speaker, is give us a chance to vote on it. We hear

excuse after excuse. We need more documents, we need more information, we need more legal opinions, we need 14 days, we need 21 days. But we have been debating the same issues month after month. Nothing has changed. No more information, no document is going to change the basic position the country stands in today and, that is, a law expires on Friday, and if the people for whom we have given the responsibility to protect the country are to do their job, that law is going to have to be made permanent so they can count on it, not dribbling it out a few weeks at a time, not treating them the way we treat soldiers in Iraq and Afghanistan by giving them funding just a few months at a time, but giving them the authority they need to do their job.

I suggest the best way to do that is to bring up the bill that has already passed the Senate by an overwhelming bipartisan majority and give us a chance to vote on it. There will be some Members who vote "no." They think we don't need that authority. They think the Protect America Act is not needed. But I suggest a majority will vote "yes" and it will pass and the country will be safer.

Mr. ÅRCURI. Mr. Speaker, I continue to reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. FOSSELLA).

(Mr. FOSSELLA asked and was given permission to revise and extend his remarks.)

Mr. FOSSELLA. Mr. Speaker, I rise in opposition to the rule.

You know, kicking the can may be a fun game when there's nothing to do and there are no consequences at stake. But when it comes to national security and protecting the American people, providing the right tools to those on the front lines in the war against terrorism, kicking the can could be a fatal barrain.

Congress continues to kick the can down the road on a key tool that has kept this country safe since September 11. The other body closed a loophole in FISA that will ensure intelligence services have all the tools necessary to track terrorists overseas, terrorists who want to do us harm. Our Nation has not been attacked since September 11, in large part because of our ability to detect and disrupt terrorist plots before they've had a chance to carry out their evil acts. FISA is essential to those efforts.

Why do some ignore history? Why do some ignore the mindset of the likes of al Qaeda and others? Why do some want to weaken our ability to disrupt a terrorist attack before it occurs? Why do some put our soldiers, sailors, airmen and marines in harm's way or at risk?

Last year we modernized the Foreign Intelligence Surveillance Act only after the National Intelligence Director told Congress that we were "missing a significant amount of foreign intelligence that we should be protecting to protect our country." What about those consequences?

Preventing the destruction of the Brooklyn Bridge is but one example. More tragically is the case of Specialist Alex Jiminez of Queens, New York. Last May, Specialist Jiminez was taken hostage by al Qaeda in Iraq. Information had been secured on one of the possible kidnappers, but intelligence experts were hamstrung by the outdated version of FISA. It prevented them from conducting surveillance on terrorists in a foreign nation without first obtaining a warrant. As the kidnappers acted, lawyers sat around a conference table here in Washington for 10 hours debating and drafting legal briefs to establish probable cause to conduct the surveillance. While the lawyers debated, losing precious time, Specialist Jiminez most likely was killed. They've yet to find the body and that of his colleague.

Let's stop kicking the can down the road. This is not a game we can afford to lose.

Mr. ARCURI. I thank my friend and colleague from New York for his statements.

Mr. Speaker, I would like to point out that the speakers on the other side continue to try to couch this argument in a way and frame it in such a way that makes it appear that people on our side, the Democrats, don't care about the security of this country in the way that they do. And it's obvious that nothing could be further from the truth.

Simply by extending the FISA bill for 21 days to ensure that we have all the information that is out there and all the information that is available and that we have an opportunity to go through it in a thoughtful way doesn't mean that we have less concern for security but, rather, an equal amount of concern for security and also for the liberty of the American people.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I would ask my friend from New York if he has any more speakers. Mr. ARCURI. I have no further

speakers.

Mr. HASTINGS of Washington. And so the gentleman is prepared to close after I close?

Mr. ARCURI. Yes, sir.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, the tragic events of September 11, 2001 taught us many lessons. One of the lessons we learned that day was that our Nation must remain aggressive in our fight against international terrorism. We must always stay one step ahead of those who wish to harm our fellow Americans. Now is not the time to tie the hands of our intelligence community. The modernization of foreign intelligence surveillance into the 21st century is a critical national security priority.

Mr. Speaker, I am very pleased that several of my colleagues on the other side of the aisle agree with that assessment. On January 28, 2008, less than 3 weeks ago, 21 members of the Blue Dog Coalition sent a letter to Speaker PELOSI in support of the Rockefeller-Bond FISA legislation. The letter states, and I quote, "The Rockefeller-Bond FISA legislation contains satisfactory language addressing all these issues and we would fully support that measure should it reach the House floor without substantial change. We believe these components will ensure a strong national security apparatus that can thwart terrorism across the globe and save American lives here in our country."

Mr. Speaker, that was a letter sent to Speaker Pelosi less than 2 weeks ago by the members of the Democrat Blue Dog Coalition.

CONGRESS OF THE UNITED STATES,

Washington, DC, January 28, 2008.

DEAR MADAM SPEAKER: Legislation reforming the Foreign Intelligence Surveillance Act (FISA) is currently being considered by the Senate. Following the Senate's passage of a FISA bill, it will be necessary for the House to quickly consider FISA legislation to get a bill to the President before the Protect America Act expires in February.

It is our belief that such legislation should include the following provisions: Require individualized warrants for surveillance of U.S. citizens living or traveling abroad; Clarify that no court order is required to conduct surveillance of foreign-to-foreign communications that are routed through the United States; Provide enhanced oversight by Congress of surveillance laws and procedures; Compel compliance by private sector partners; Review by FISA Court of minimization procedures; Targeted immunity for carriers that participated in anti-terrorism surveillance programs.

The Rockefeller-Bond FISA legislation contains satisfactory language addressing all these issues and we would fully support that measure should it reach the House floor without substantial change. We believe these components will ensure a strong national security apparatus that can thwart terrorism across the globe and save American lives here in our country.

It is also critical that we update the FISA laws in a timely manner. To pass a long-term extension of the Protect America Act, as some may suggest, would leave in place a limited, stopgap measure that does not fully address critical surveillance issues. We have it within our ability to replace the expiring Protect America Act by passing strong, bi-partisan FISA modernization legislation that can be signed into law and we should do so—the consequences of not passing such a measure could place our national security at undue risk.

Sincerely,

Leonard L. Boswell, ——, Mike Ross, Bud Cramer, Heath Shuler, Allen Boyd, Dan Boren, Jim Matheson, Lincoln Davis, Tim Holden, Dennis Moore, Earl Pomeroy, Melissa L. Bean, John Barrow, Joe Baca, John Tanner, Jim Cooper, Zachary T. Space, Brad Ellsworth, Charlie Melancon, Christopher P. Carnev.

Mr. Speaker, it is unfortunate that House Democrat leaders chose to bring a 21-day extension bill to the floor instead of the bipartisan measure that passed the Senate by a vote of 68-29. I

might add, Mr. Speaker, those Senators had the information that has been alluded to several times on the floor today.

To make our country safer, Congress needs to act. The House should vote on the Senate measure, but the Democrat leaders have chosen instead to use delay tactics. The only reason I can see, Mr. Speaker, that we are not voting on the Senate measure is the fear of the leaders on the other side of the aisle that this bipartisan bill will pass.

But today, I will attempt to give all Members of the House an opportunity to vote on this bipartisan, long-term modernization of FISA. I call on all my colleagues, including members of the aforementioned Blue Dog Coalition that signed the letter to Speaker PELOSI on January 28, to join with me in defeating the previous question so that we can immediately move to concur in the Senate amendment and send the bill to the President to be signed into law. We need to do that before the current law expires, making our Nation at greater risk.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. HOLDEN). Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. I urge my colleagues to vote "no" on the previous question and give us an opportunity to vote on a bipartisan, permanent solution that closes this terrorist loophole in the FISA Act.

Mr. Speaker, I yield back the balance of my time.

Mr. ARCURI. I thank my colleague from Washington for his comments.

Mr. Speaker, if we have learned anything since the terrorist attacks of September 11, it is that the balance between security and civil liberties is not only difficult, it's absolutely critical. Providing this 3-week extension will do nothing to block or hinder the efforts of our intelligence community. Quite the contrary, it enhances their ability to do their jobs effectively and ensures the integrity of their efforts because it gives us time to get these reforms right.

I want to remind my colleagues that voting to defeat the previous question is a vote to deny the administration the ability to utilize its existing authority under law to assess threats, gather intelligence and protect the freedom and security of every American.

Twenty-one days isn't a long time. And based on the sensitivity and public interest in this issue, we owe that to the American people and the framers of the Constitution to strike a fair balance that allows us to protect the civil liberties of Americans and to provide the administration the tools and resources to protect our Nation from an-

other terrorist attack. Twenty-one days is a fair request.

I urge a "yes" vote on the previous question and on the rule.

Mr. SAXTON. Mr. Speaker, I rise in opposition to this 21-day extension to FISA. If Congress does not act this week, critical tools that allow our intelligence officials to monitor terrorist communications overseas will expire. We not let that happen!

As we all know, yesterday, the Senate approved a comprehensive, long term, bipartisan bill by a vote of 68–29 to close the terrorist loophole in our intelligence laws. Their bill represents a strong compromise between Congress and the Administration. It is a responsible plan for protecting our nation against the threats of terrorism.

The intelligence community needs a long-term fix to gaps in our intelligence laws—not a 21-day delay. After 7 months of stalling and a 15-day extension, passage of another short-term extension is irresponsible, when we have a long-term solution ready to be voted on.

The Senate has passed a strong, bipartisan bill. The House must now act quickly to pass the Senate's bill and send it to the President. Failing to do so is effectively failing to protect our country.

I urge my colleagues to vote against this extension, and instead immediately pass the Senate's version of the bill so we can send this important bill to the President.

The material previously referred to by Mr. Hastings of Washington is as follows:

AMENDMENT TO H. RES. 976 OFFERED BY MR. HASTINGS OF WASHINGTON

(1) Strike "That upon the adoption of this resolution it" and insert the following:

"That upon adoption of this resolution, before consideration of any order of business other than one motion that the House adjourn, the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, with Senate amendment thereto, shall be considered to have been taken from the Speaker's table. A motion that the House concur in the Senate amendment shall be considered as pending in the House without intervention of any point of order. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

"Sec. 2. It".

(2) Redesignate section 2 as section 3.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the

consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to vield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution. . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.'

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon"

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. ARCURI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ARCURI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adopting the resolution.

The vote was taken by electronic device, and there were—yeas 210, nays 195, not voting 23, as follows:

Perlmutter

Hinchey

Hirono

Lungren, Daniel

Rogers (MI)

Rohrabacher

Ros-Lehtinen

Roskam

Ryan (WI)

Royce

Sali

Saxton

Schmidt

Sessions

Shadegg

Shimkus

Shuster

Simpson

Smith (NE)

Smith (NJ)

Smith (TX)

Souder

Stearns

Sullivan

Tancredo

Thornberry

Terry

Tiahrt

Tiberi

Turner

Upton

Wamp

Weller

Wolf

Walberg

Walden (OR)

Walsh (NY)

Weldon (FL)

Westmoreland

Whitfield (KY)

Wilson (NM)

Wilson (SC)

Young (AK)

Young (FL)

Wittman (VA)

Shavs

Sensenbrenner

Lucas

[Roll No. 48]

YEAS-210

Abercrombie Ackerman Allen Andrews Hare Arcuri Ba.ca. Baird Baldwin Barrow Bean Becerra Berkley Bermar Berry Bishop (NY) Blumenauei Boren Boswell Boucher Boyd (FL) Boyda (KS) Brady (PA) Braley (IA) Brown, Corrine Butterfield Capps Capuano Cardoza Carnahan Castor Chandler Clarke Cleaver Clyburn Cohen Conyers Cooper Costa Costello Courtney Cramer Crowley Cuellar Cummings Davis (AL) Davis (CA) Davis (IL) Davis, Lincoln DeFazio DeGette Delahunt DeLauro Dicks Dingell Doggett Edwards Ellison Ellsworth Emanuel Eshoo Etheridge Farr Fattah Filner Frank (MA) Giffords Gillibrand Murphy (CT) Gonzalez Murphy, Patrick Gordon Murtha Nadler

Neal (MA) Grijalya Gutierrez Oberstar Hall (NY) Obev Olver Harman Pallone Hastings (FL) Pascrell Hastings (WA) Pastor Herseth Sandlin Payne Perlmutter Higgins Hinchey Peterson (MN) Hirono Pomeroy Price (NC) Hodes

Holden Rahall Holt Hooley Rangel Richardson Hover Rodriguez Inslee Ross Rothman Israel Jackson (IL) Rovbal-Allard Jackson-Lee Rush (TX) Salazar Jefferson Johnson (GA) Т. Johnson, E. B. Kagen Sarbanes Kaniorski Schiff Kaptur Kennedy Schwartz Kildee Scott (GA) Kilpatrick Scott (VA) Kind Serrano Klein (FL) Sestak Kucinich Langevin Sherman Larsen (WA) Shuler Larson (CT) Sires Lee Skelton Levin Slaughter Lewis (GA) Lipinski Snyder Loebsack Solis Lofgren, Zoe Space Lvnch Spratt Mahoney (FL) Stark Maloney (NY) Stupak Markey Sutton Marshall Tanner Matheson Tauscher Matsui Taylor McCarthy (NY) Thompson (CA) McCollum (MN) Thompson (MS) McDermott Tiernev McGovern Tsongas Udall (CO) Udall (NM) McIntyre McNerney McNulty Van Hollen Meek (FL) Velázquez Meeks (NY) Visclosky Melancon Walz (MN) Michaud Wasserman Miller (NC) Schultz Miller, George Waters Mollohan Watson Moore (KS) Watt Moore (WI) Moran (VA)

Napolitano

Aderholt Akin Alexander Altmire Bachmann Bachus Barrett (SC) Bartlett (MD) Barton (TX) Biggert Bilbray Bilirakis Bishop (UT) Blackburn Blunt Boehner Bonner Bono Mack Boozman Boustany Brady (TX) Broun (GA) Brown (SC)

Green, Al

Green, Gene

Brown-Waite, Davis, David Ginny Davis, Tom Buchanan Deal (GA) Burgess Dent Burton (IN) Diaz-Balart, L Buyer Diaz-Balart, M Calvert Donnelly Camp (MI) Drake Campbell (CA) Dreier Cannon Duncan Cantor Ehlers Capito Emerson Carney English (PA) Carter Everett Castle Fallin Chabot Feeney Coble Ferguson Cole (OK) Flake Conaway Crenshaw Forbes Fortenberry Cubin Fossella Culberson Fory Franks (AZ) Davis (KY)

Gallegly Goode Hayes Heller Hill Tssa.

Frelinghuysen

Jones (NC) Jordan Sánchez, Linda Keller King (IA) Sanchez, Loretta King (NY) Kingston Schakowsky Kirk Kline (MN) Knollenberg Kuhl (NY) LaHood Lamborn Shea-Porter Lampson Latham LaTourette Latta Lewis (CA) Lewis (KY) Linder Smith (WA) LoBiondo

Bishop (GA) Clay Doolittle Doyle Engel Gilchrest Herger Hinojosa

Weiner Welch (VT) Wexler Wilson (OH) Woolsey Yarmuth

NAYS-195

Garrett (NJ) E. Gerlach Mack Manzullo Gingrey McCarthy (CA) Gohmert McCaul (TX) Goodlatte McCotter Granger McCrery McHenry Graves Hall (TX) McHugh McKeon McMorris Hensarling Rodgers Mica Miller (FL) Hobson Hoekstra Miller (MI) Hulshof Miller, Gary Hunter Moran (KS) Inglis (SC) Murphy, Tim Muserave Johnson (IL) Myrick Johnson, Sam Neugebauer Nunes Paul Pearce Pence Peterson (PA) Petri Pitts Platts Poe Porter Price (GA)

NOT VOTING-23

Honda Jones (OH) Lowey Marchant Mitchell Ortiz Pickering Pryce (OH)

Putnam

Ramstad

Regula

Rehberg

Reichert

Reynolds

Rogers (AL)

Rogers (KY)

Radanovich

Renzi Reves Ruppersberger Ryan (OH) Towns Waxman

□ 1237

Messrs. SULLIVAN and DONNELLY "yea" their vote from changed "nay."

Mr. MELANCON changed his vote from "nay" to "yea."

So the previous question was ordered. The result of the vote was announced as above recorded.

Mr. HASTINGS of Washington, Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. ARCURI Mr. ARCURI. Mr. Speaker, I move to table the motion to reconsider.

The SPEAKER pro tempore (Mr. HOLDEN). The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 206, noes 194, not voting 28, as follows:

[Roll No. 49]

AYES-206

Arcuri Abercrombie Barrow Ackerman Baca Bean Allen Raird Becerra Andrews Baldwin Berman

Bishop (NY) Blumenauer Boren Boswell Boucher Boyd (FL) Boyda (KS) Brady (PA) Bralev (IA) Brown, Corrine Butterfield Capps Capuano Cardoza Carnahan Casto Chandler Clarke Clay Cleaver Clyburn Cohen Convers Cooper Costa Costello Courtney Cramer Crowlev Cuellar Cummings Davis (AL) Davis (CA) Davis (IL) Davis, Lincoln DeFazio DeGette Delahunt DeLauro Dicks Dingell Doggett Edwards Ellison Ellsworth Eshoo Etheridge Farr Fattah Filner Frank (MA) Giffords Gillibrand Gonzalez Gordon Green, Al Green, Gene Grijalva Hall (NY) Hare Harman Hastings (FL) Herseth Sandlin Higgins

Hodes Peterson (MN) Holden Pomeroy Holt Price (NC) Hoolev Rahall Hover Rangel Inslee Richardson Israel Rodriguez Jackson (IL) Ross Jefferson Rothman Johnson (GA) Roybal-Allard Johnson, E. B. Rush Jones (OH) Salazar Kagen Sánchez, Linda Kanjorski Kaptur Sanchez, Loretta Kennedy Sarbanes Kildee Schakowsky Kilpatrick Schiff Kind Klein (FL) Kucinich Langevin Larsen (WA) Larson (CT) Lee Levin Lewis (GA) Lipinski Lofgren, Zoe Lynch Mahoney (FL) Maloney (NY) Markey Marshall Matheson Matsui McCarthy (NY) McCollum (MN) McGovern McIntyre McNerney McNulty Meeks (NY) Melancon Michaud Miller (NC) Miller, George Mitchell Mollohan Moore (KS) Moore (WI) Moran (VA) Murphy (CT) Murphy, Patrick Murtha Nadler Napolitano Neal (MA) Oberstar Obey Olver Pallone Pascrell Pastor

Schwartz Scott (GA) Scott (VA) Serrano Sestak Shea-Porter Sherman Shuler Sires Skelton Slaughter Smith (WA) Snyder Solis Space Spratt Stark Stupak Sutton Tanner Tauscher Taylor Thompson (CA) Thompson (MS) Tierney Tsongas Udall (CO) Udall (NM) Van Hollen Velázquez Visclosky Walz (MN) Wasserman Schultz Waters Watson Watt Weiner Welch (VT) Wexler Wilson (OH) Woolsev Wu Yarmuth Ferguson Flake Forbes Fortenberry Fossella Foxx Franks (AZ) Frelinghuysen

NOES-194

Aderholt Campbell (CA) Akin Cannon Alexander Cantor Altmire Capito Bachmann Carney Bachus Carter Barrett (SC) Castle Bartlett (MD) Chabot Barton (TX) Coble Cole (OK) Biggert Bilbray Conaway Bilirakis Crenshaw Bishop (UT) Cubin Blackburn Culberson Davis (KY) Blunt Boehner Davis, David Bonner Davis, Tom Bono Mack Deal (GA) Boozman Dent Diaz-Balart, L. Boustany Brady (TX) Diaz-Balart, M. Donnelly Broun (GA Brown (SC) Drake Brown-Waite, Dreier Ginny Duncan Buchanan Ehlers Burgess Emerson Burton (IN) English (PA) Buver Everett

Fallin

Feeney

Calvert

Camp (MI)

Gallegly Garrett (NJ) Gerlach Gingrev Gohmert Goode Goodlatte Granger Graves Hall (TX) Hastings (WA) Haves Heller Hensarling Hill Hobson Hoekstra Hulshof Hunter Inglis (SC) Issa. Johnson (IL)

Johnson, Sam

Rahall

Rangel

Ross

Rush

т

Schiff

Serrano

Sherman

Skelton

Snyder

Solis

Space

Spratt

Stupak

Sutton

Tanner

Taylor

Tauscher

Sires

Sestak

Salazar

Kagen

Jones (NC)	Miller (FL)	Schmidt
Jordan	Miller (MI)	Sensenbrenner
Keller	Miller, Gary	Sessions
King (IA)	Moran (KS)	Shadegg
King (NY)	Murphy, Tim	Shavs
Kingston	Musgrave	Shimkus
Kirk	Myrick	Shuster
Kline (MN)	Nunes	Simpson
Knollenberg	Paul	Smith (NE)
Kuhl (NY)	Pearce	Smith (NJ)
LaHood	Pence	Smith (TX)
Lamborn	Peterson (PA)	Souder
Lampson	Petri	Stearns
Latham	Pitts	Sullivan
LaTourette	Platts	Tancredo
Latta	Poe	Terry
Lewis (CA)	Porter	Thornberry
Lewis (KY)	Price (GA)	Tiahrt.
Linder	Putnam	Tiberi
LoBiondo	Radanovich	Turner
Lucas	Ramstad	Upton
Lungren, Daniel	Regula	Walberg
E.	Rehberg	Walden (OR)
Mack	Reichert	Wamp
Manzullo	Reynolds	Weldon (FL)
McCarthy (CA)	Rogers (AL)	Welder (FL)
McCaul (TX)	Rogers (KY)	Westmoreland
McCotter	Rogers (MI)	
McCrery	Rohrabacher	Whitfield (KY)
McHenry	Ros-Lehtinen	Wilson (NM)
McHugh	Roskam	Wilson (SC)
McKeon	Royce	Wittman (VA)
McMorris	Ryan (WI)	Wolf
Rodgers	Sali	Young (AK)
Mica	Saxton	Young (FL)

NOT VOTING-28

Berkley Jackson-Lee Pryce (OH) Bishop (GA) Doolittle (TX)Renzi Loebsack Reves Dovle Lowey Ruppersberger Emanuel Marchant Ryan (OH) McDermott Engel Towns Gilchrest Meek (FL) Walsh (NY) Herger Neugebauer Waxman Hinojosa Ortiz Wvnn Pickering Honda

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1244

So the motion to table was agreed to. The result of the vote was announced as above recorded.

Stated for:

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Mr. EMANUEL. Mr. Speaker, I was absent from the Chamber for rollcall vote 49. Had I been present, I would have voted "aye."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 206, noes 199, not voting 23, as follows:

[Roll No. 50]

A1E5-200				
Abercrombie	Berman	Capps		
Ackerman	Berry	Capuano		
Allen	Bishop (NY)	Cardoza		
Altmire	Blumenauer	Carnahan		
Andrews	Boren	Carney		
Arcuri	Boswell	Castor		
Baca	Boucher	Chandler		
Baird	Boyd (FL)	Clarke		
Baldwin	Boyda (KS)	Clay		
Barrow	Brady (PA)	Cleaver		
Bean	Braley (IA)	Clyburn		
Becerra	Brown, Corrine	Cohen		
Berkley	Butterfield	Conyers		

Kanjorski Kaptur Costello Courtney Kennedy Cramer Kildee Kilpatrick Crowley Cuellar Kind Klein (FL) Cummings Davis (AL) Langevin Davis (CA) Larsen (WA) Davis (IL) Larson (CT) Davis, Lincoln DeGette Levin Lewis (GA) Delahunt DeLauro Lipinski Dicks Loebsack Dingell Lofgren, Zoe Lynch Doggett Mahonev (FL) Donnelly Edwards Maloney (NY) Ellison Markey Ellsworth Marshall Matheson Emanuel Eshoo Matsui Etheridge McCarthy (NY) McCollum (MN) Fattah McDermott Filner McGovern Frank (MA) McNerney Giffords McNulty Meek (FL) Gonzalez Meeks (NY) Gordon Green, Al Melancon Green, Gene Miller (NC) Grijalva Miller, George Gutierrez Mitchell Hall (NY) Mollohan Hare Moore (KS) Harman Moore (WI) Hastings (FL) Moran (VA) Hastings (WA) Murphy (CT) Herseth Sandlin Murphy, Patrick Higgins Murtha Hinchev Nadler Napolitano Hirono Hodes Neal (MA) Holden Oberstar Obey Hoyer Israel Pallone Jackson (IL) Pascrell Jackson-Lee Pastor (TX) Payne Jefferson Perlmutter Johnson (GA) Peterson (MN) Johnson, E. B. Pomerov Jones (OH) Price (NC)

Aderholt

Alexander

Bachmann

Barrett (SC)

Barton (TX)

Bishop (UT)

Blackburn

Bono Mack

Boozman

Boustany

Brady (TX)

Broun (GA)

Brown (SC)

Ginny

Buchanan

Burgess Burton (IN)

Buyer Calvert Camp (MI) Campbell (CA) Cannon Cantor Capito Carter

Castle Chabot Coble Cole (OK) Conaway

Crenshaw

Brown-Waite

Biggert

Bilbray

Blunt

Boehner

Bonner

Bilirakis

Bartlett (MD)

Akin

Cooper

Costa

NOES-199	
Cubin	Herger
Culberson	Hill
Davis (KY)	Hobson
Davis, David	Hoekstra
Davis, Tom	Holt
Deal (GA)	Hulshof
DeFazio	Hunter
Dent	Inglis (SC)
Diaz-Balart, L.	Issa
Diaz-Balart, M.	Johnson (IL)
Drake	Johnson, Sam
Dreier	Jones (NC)
Duncan	Jordan
Ehlers	Keller
Emerson	King (IA)
English (PA)	King (NY)
Everett	Kingston
Fallin	Kirk
Feeney	Kline (MN)
Ferguson	Knollenberg
Flake	Kucinich
Forbes	Kuhl (NY)
Fortenberry	LaHood
Fossella	Lamborn
Foxx	Lampson
Franks (AZ)	Latham
Frelinghuysen	LaTourette
Gallegly	Latta
Garrett (NJ)	Lewis (CA)
Gerlach	Lewis (KY)
Gingrey	Linder
Gohmert	LoBiondo
Goode	Lucas
Goodlatte	Lungren, Dan
Granger	E.
Graves	Mack
Hall (TX)	Manzullo
Hayes	Marchant
Heller	McCarthy (CA

Hensarling

McCotter McCrery Richardson McHenry Rodriguez McHugh McKeon McMorris Rothman Roybal-Allard Rodgers Mica Michaud Miller (FL) Sánchez, Linda Miller (MI) Miller, Gary Sanchez, Loretta Moran (KS) Sarbanes Murphy, Tim Schakowsky Musgrave Myrick Schwartz Neugebauer Scott (GA) Nunes Scott (VA) Paul Pearce Pence Shea-Porter Peterson (PA) Petri Pitts Platts Slaughter Poe Smith (WA) Porter Price (GA) Bachus Bishop (GA) Doolittle Dovle Engel Gilchrest Gillibrand Thompson (CA) Hinojosa Thompson (MS) vote.

Tierney Tsongas Udall (CO) Udall (NM) Van Hollen Velázquez Visclosky Walz (MN) Wasserman Schultz Waters Watson Watt Weiner Wexler Wilson (OH) Woolsev Yarmuth

iiel McCarthy (CA) McCaul (TX)

Smith (TX) Putnam Radanovich Souder Ramstad Stearns Regula Sullivan Rehberg Tancredo Reichert Terry Revnolds Thornberry Rogers (AL) Tiahrt Rogers (KY) Tiberi Rogers (MI) Turner Rohrabacher Upton Ros-Lehtinen Walberg Roskam Walden (OR) Royce Ryan (WI) Walsh (NY) Wamp Sali Saxton Weldon (FL) Weller Schmidt Westmoreland Sensenbrenner Sessions Whitfield (KY) Shadege Wilson (NM) Shays Wilson (SC) Shimkus Wittman (VA) Shuler Wolf Shuster Wu Simpson Young (AK) Smith (NE) Young (FL) Smith (NJ)

NOT VOTING-23

Honda. Reves Hoolev Ruppersberger Lowey Ryan (OH) McIntvre Towns Ortiz Waxman Pickering Welch (VT) Pryce (OH) Wvnn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this

□ 1254

Mr. SHULER changed his vote from "ave" to "no."

Mr. CUMMINGS changed his vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

Mr. HASTINGS of Washington. Mr. Speaker, I move to reconsider the vote on the resolution.

MOTION TO TABLE OFFERED BY MR. ARCURI

Mr. ARCURI. Mr. Speaker, I move to table the motion to reconsider.

The SPEAKER pro tempore. question is on the motion to table.

The question was taken; and Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 195, not voting 23, as follows:

[Roll No. 51]

AYES-210

Ackerman Berry Capu	
	079
Allen Bishop (NY) Card	Oza
Altmire Blumenauer Carn	ahan
Andrews Boren Carn	ey
Arcuri Boswell Cast	or
Baca Boucher Char	dler
Baird Boyd (FL) Clark	сe
Baldwin Boyda (KS) Clay	
Barrow Brady (PA) Clear	ver
Bean Braley (IA) Clyb	urn
Becerra Brown, Corrine Cohe	n
Berkley Butterfield Cony	ers

Olver

Pallone

Pastor

Paul

Jackson-Lee

(TX)

Costello

H886	
Cooper	Jones (OH)
Costa	Kagen
Costello	Kanjorski
Courtney	Kaptur
Cramer	Kennedy
Crowley	Kildee
Cuellar	Kilpatrick
Cummings	Kind
Davis (AL)	Klein (FL)
Davis (CA)	Kucinich
Davis (IL)	Langevin
Davis, Lincoln	Larsen (WA)
DeGette	Larson (CT)
Delahunt Delayare	Lee
DeLauro Dicks	Levin Lewis (GA)
Doggett	Lipinski
Doggett Donnelly	Loebsack
	Lofgren, Zoe
Edwards Ellison	Lynch
Ellsworth	Mahoney (FL)
Emanuel	Maloney (NY)
Eshoo	Markey
Etheridge	Marshall
Farr	Matheson
Fattah	Matsui
Filner	McCarthy (NY)
Frank (MA)	McCollum (MN)
Giffords	McDermott
Gonzalez	McGovern
Gordon	McIntyre
Green, Al	McNerney
Green, Gene	McNulty
Grijalva	Meek (FL)
Gutierrez	Meeks (NY)
Hall (NY)	Melancon
Hare	Michaud
Harman	Miller (NC)
Hastings (FL)	Miller, George
Herseth Sandlin	Mitchell
Higgins	Mollohan
Hill	Moore (KS)
Hinchey	Moore (WI)
Hirono	Moran (VA)
Hodes	Murphy (CT)
Holden	Murphy, Patrick
Holt	Murtha
Hooley	Nadler
Hoyer	Napolitano
Inslee	Neal (MA)
Israel	Oberstar
Jackson (IL) Jackson-Lee	Obey Olver
(TX)	Pallone
Jefferson	Parione
Johnson (GA)	Payne
Johnson (IL)	Perlmutter
Johnson, E. B.	Pomeroy
оппоон, п. р.	1 Giffer Oy
	NOES—195

Price (NC) Rahall Richardson Rodriguez Ross Rothman Rovbal-Allard Rush Salazar Sánchez, Linda Sanchez, Loretta Sarbanes Schakowsky Schiff Schwartz Scott (GA) Scott (VA) Serrano Sestak Shea-Porter Sherman Skelton Slaughter Smith (WA) Snyder Solis Space Spratt Stark Stupak Sutton Tanner Tauscher Taylor Thompson (CA) Thompson (MS) Tierney Tsongas Udall (CO) Udall (NM) Van Hollen

Velázquez

Visclosky Walz (MN)

Wasserman

Schultz

Waters

Watson

Weiner Welch (VT)

Wexler Wilson (OH)

Woolsey

Yarmuth

Hayes

Heller

Herger

Hobson

Hoekstra

Inglis (SC)

Jones (NC)

Jordan

Keller

King (IA)

King (NY)

Kline (MN)

Knollenberg

Kuhl (NY)

LaHood

Lamborn

Lampson

LaTourette

Lewis (CA)

Lewis (KY)

LoBiondo

Lungren, Daniel

McCarthy (CA)

Latham

Latta

Linder

Lucas

E. Mack

Manzullo

Marchant

Kingston

Kirk

Johnson, Sam

Hulshof

Hunter

Issa

Hensarling

Hastings (WA)

Wu

Conaway

Crenshaw

Culberson

Davis (KY)

Davis, David

Diaz-Balart, L

Diaz-Balart, M.

Davis, Tom

Deal (GA)

DeFazio

Dent

Drake

Dreier

Duncan

Ehlers

Emerson

Everett

Fallin

Feenev

Flake

Forbes

Fossella

Gallegly

Gerlach

Gingrey

Gohmert

Goode Goodlatte

Granger

Hall (TX)

Graves

Foxx

Ferguson

Fortenberry

Franks (AZ)

Garrett (NJ)

Frelinghuysen

English (PA)

Cubin

Watt

Price (GA) McCaul (TX) Smith (NE) McCotter Putnam Smith (NJ) McCrery Radanovich Smith (TX) McHenry Ramstad Souder Regula Stearns McHugh McKeon Rehberg Sullivan McMorris Reichert Tancredo Rodgers Reynolds Terry Mica Rogers (AL) Thornberry Miller (FL) Rogers (KY) Tiahrt Miller (MI) Rogers (MI) Tiberi Miller, Gary Rohrabacher Turner Ros-Lehtinen Moran (KS) Upton Walberg Roskam Murphy, Tim Walden (OR) Musgrave Royce Ryan (WI) Walsh (NY) Myrick Neugebauer Sali Wamp Weldon (FL) Nunes Saxton Weller Paul Schmidt Pearce Sensenbrenner Westmoreland Pence Sessions Whitfield (KY) Peterson (PA) Shadegg Wilson (NM) Shays Shimkus Wilson (SC) Petri Pitts Wittman (VA) Platts Shuler Wolf Shuster Poe Young (AK) Porter Simpson Young (FL)

NOT VOTING-23

Bishop (GA) Honda Renzi Dingel1 Lowey Reves Doolittle Ortiz Ruppersberger Pascrell Doyle Ryan (OH) Peterson (MN) Engel Towns Pickering Gilchrest Waxman Pryce (OH) Gillibrand Wvnn Hinojosa Rangel

□ 1303

So the motion to table was agreed to. The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. HASTINGS of Washington. Mr. Speaker, I move that the House do now adiourn

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Washington, Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 3, noes 395, not voting 30, as follows:

[Roll No. 52] AYES-3

Hastings (WA)	Johnson (IL)	Young (AK)			
NOES-395					
Abercrombie	Blackburn	Calvert			
Ackerman	Blumenauer	Camp (MI)			
Aderholt	Blunt	Campbell (CA)			
Akin	Boehner	Cannon			
Alexander	Bonner	Cantor			
Altmire	Bono Mack	Capito			
Andrews	Boozman	Capps			
Arcuri	Boren	Capuano			
Baca	Boswell	Cardoza			
Bachmann	Boucher	Carnahan			
Baird	Boustany	Carney			
Baldwin	Boyd (FL)	Carter			
Barrett (SC)	Boyda (KS)	Castle			
Barrow	Brady (PA)	Castor			
Bartlett (MD)	Brady (TX)	Chabot			
Barton (TX)	Braley (IA)	Chandler			
Bean	Broun (GA)	Clarke			
Becerra	Brown (SC)	Clay			
Berkley	Brown, Corrine	Cleaver			
Berman	Brown-Waite,	Clyburn			
Berry	Ginny	Coble			
Biggert	Buchanan	Cohen			
Bilbray	Burgess	Cole (OK)			
Bilirakis	Burton (IN)	Conaway			
Bishop (NY)	Butterfield	Conyers			
Bishop (UT)	Buyer	Cooper			

Courtney Jefferson Cramer Johnson (GA) Crenshaw Johnson, E. B. Crowlev Johnson, Sam Cubin Jones (NC) Jones (OH) Cuellar Culberson Jordan Cummings Kagen Kanjorski Davis (AL) Davis (CA) Kaptur Davis (IL) Keller Kennedy Davis (KY Davis, David Kildee Kilpatrick Davis, Lincoln Davis, Tom King (IA) Deal (GA) DeFazio King (NY) DeGette Kingston Delahunt Kirk Klein (FL) DeLauro Dent Kline (MN) Diaz-Balart, L. Knollenberg Diaz-Balart, M. Kucinich Dicks Kuhl (NY) Dingell LaHood Doggett Lamborn Donnelly Lampson Drake Langevin Dreier Larsen (WA) Duncan Larson (CT) Latham Edwards LaTourette Ehlers Ellison Latta Ellsworth Lee Levin Emanuel Lewis (CA) Emerson English (PA) Lewis (GA) Eshoo Lewis (KY) Etheridge Linder Lipinski Everett LoBiondo Fallin Farr Loebsack Fattah Lofgren, Zoe Feeney Lucas Lungren, Daniel Ferguson Filner Flake Lynch Forbes Mack Fortenberry Mahoney (FL) Fossella Maloney (NY) Foxx Manzullo Frank (MA) Marchant Franks (AZ) Frelinghuysen Markey Marshall Gallegly Matheson Garrett (NJ) Matsui McCarthy (CA) Gerlach Giffords McCarthy (NY) McCaul (TX) McCollum (MN) Gillibrand Gingrey Gohmert McCotter Gonzalez McDermott McGovern Goode Goodlatte McHenry Gordon McHugh Granger McIntyre Graves McKeon Green, Al McMorris Green, Gene Rodgers Grijalva McNernev Hall (NY) McNulty Hall (TX) Meek (FL) Hare Meeks (NY) Harman Melancon Hastings (FL) Haves Michaud Miller (FL) Heller Hensarling Miller (MI) Herger Miller (NC) Herseth Sandlin Miller, Gary Hill Miller, George Hinchey Mitchell Hirono Mollohan Moore (KS) Hobson Hodes Moore (WI) Hoekstra Moran (KS) Holden Moran (VA) Holt. Murphy (CT) Murphy, Patrick Murphy, Tim Hooley Hoyer Hulshof Murtha Hunter Myrick Inglis (SC) Nadler Neal (MA) Inslee Israel Neugebauer

Payne Pearce Pence Perlmutter Peterson (MN) Peterson (PA) Petri Pitts Platts Poe Pomeroy Porter Price (GA) Price (NC) Putnam Radanovich Rahall Ramstad Regula Rehberg Reichert Revnolds Richardson Rodriguez Rogers (AL) Rogers (KY) Rogers (MI) Rohrabacher Ros-Lehtinen Roskam Ross Rothman Rovbal-Allard Rovce Ryan (WI) Salazar Sali Sánchez, Linda т Sarbanes Saxton

Sanchez, Loretta Schakowsky Schiff Schmidt Schwartz Scott (GA) Scott (VA) Sensenbrenner Serrano Sessions Sestak Shadegg Shavs Shea-Porter Sherman Shimkus Shuler Shuster Simpson Sires Skelton Slaughter Smith (NE) Smith (NJ) Smith (TX) Smith (WA) Snyder Solis Souder Space Spratt Stark Stearns Stupak Sullivan Sutton Tancredo Tanner Tauscher Taylor Terry Thompson (CA) Thompson (MS) Thornberry Tiahrt Tiberi Tiernev Tsongas Udall (NM) Upton Van Hollen

Velázquez

Visclosky

Nunes

Oberstar

Issa

Jackson (IL)

Aderholt Akin Alexander Bachmann Bachus Barrett (SC) Bartlett (MD) Barton (TX) Biggert Bilbray Bilirakis Bishop (UT) Blackburn Blunt Boehner Bonner Bono Mack Boozman Boustany Brady (TX) Broun (GA) Brown (SC) Brown-Waite, Ginny Buchanan Burgess Burton (IN) Buyer Calvert Camp (MI) Campbell (CA) Cannon Cantor Capito Carter Castle

Chabot

Coble Cole (OK)